

Broady, Tracy (USMS)

From: 56829-16988136@requests.muckrock.com
Sent: Wednesday, November 28, 2018 5:04 AM
To: USMS FOIA
Subject: RE: Freedom of Information Act Request: Congressional requests, 2015-2017 (Department of Justice, United States Marshals)

Department of Justice, United States Marshals
FOIA Office
U.S. Marshals Service
Washington, MD 20530-1000

November 28, 2018

This is a follow up to a previous request:

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on June 26, 2018. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

Filed via MuckRock.com
E-mail (Preferred): 56829-16988136@requests.muckrock.com
Upload documents directly: https://www.muckrock.com/accounts/agency_login/department-of-justice-united-states-marshals-49/congressional-requests-2015-2017-department-of-justice-united-states-marshals-56829/?uuid-login=6a979cdd-77ec-4810-b5c3-0e7b224efb91&email=usms.foia%40usdoj.gov#agency-reply
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 56829
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On June 26, 2018:

To Whom It May Concern:

Pursuant to the Freedom of Information Act, I hereby request the following records:

Copies of any requests for documents, information, briefings or testimony sent to either the director's office or the appropriate congressional liaison office between January 1, 2015 and December 31, 2017.

I am a member of the news media and request classification as such. I have previously written about the government and its activities, with some reaching over 100,000 readers. As such, as I have a reasonable expectation of publication and my editorial and writing skills are well established. In addition, I discuss and comment on the files online and make them available through non-profits such as the Internet Archive and MuckRock, disseminating them to a large audience.

Case law states that "proof of the ability to disseminate the released information to a broad cross-section of the public is not required." *Judicial Watch, Inc. v. Dep't of Justice*, 365 F.3d 1108, 1126 (D.C. Cir. 2004); see *Carney v. U.S. Dep't of Justice*, 19 F.3d 807, 814-15 (2d Cir. 1994). Courts have held that "qualified because it also had "firm" plans to "publish a number of . . . 'document sets'" concerning United States foreign and national security policy." Under this criteria, as well, I qualify as a member of the news media.

Additionally, courts have held that the news media status "focuses on the nature of the requester, not its request. The provision requires that the request be "made by" a representative of the news media. *Id.* § 552(a)(4)(A)(ii)(II). A newspaper reporter, for example, is a representative of the news media regardless of how much interest there is in the story for which he or she is requesting information." As such, the details of the request are moot for the purposes of determining the fee category.

As my primary purpose is to inform about government activities by reporting on it and making the raw data available, I request that fees be waived.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Emma Best

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